



CITY OF CONCORD

NEW HAMPSHIRE

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Revised March 5, 2010

ECONOMIC DEVELOPMENT ADVISORY COUNCIL

Minutes

February 5, 2010

7:30 A.M.

The meeting convened at the Local Government Center, 25 Triangle Park Drive, Concord. Coffee and refreshments were served compliments of Maura Carroll and Allen Bennett.

Chairperson Carley called the meeting to order at 7:35 A.M.

PRESENT: Allen Bennett, Christopher Carley, Maura Carroll, Byron Champlin, Mark Coen, Michael DelloIacono, Larry Gloekler, John Hoyt, Jan McClure, Bill Norton, and Dan St. Hilaire

ABSENT: Tim Bernier, Peter Cook, Claudia Walker, and Stephen Heavener

STAFF: Carlos P. Baía, Deputy City Manager - Development
Bev Rafferty, Administrative Assistant

GUESTS: Mayor James Bouley
Gerry Drypolcher, Chairman, Concord Planning Board
Jeff Taylor and Steve Whitman, of Jeffrey H. Taylor & Associates, Inc.
Jennifer Kretovic, Executive Director, Concord 2020

I. MINUTES OF THE JANUARY 8, 2010 EDAC MEETING

Chairperson Carley had one edit; page 5, fifth paragraph. Mr. Carley felt clarification was needed regarding EDAC's consensus that the city would benefit most from the creation of a loop for water supply to Bow. Mr. Carley believed the consensus was that, from an engineering standpoint, the loop would best benefit the system and EDAC felt that, unless the loop option were done with little or no net cost to the city, the meter pit option is the most likely solution at this time.

EDAC members present agreed with this clarification and asked Carlos Baía to draft a letter to the City Council indicating EDAC's options.

Maura Carroll made a motion to accept the minutes as amended; seconded by Byron Champlin; motion passed unanimously.

II. CITYWIDE ZONING FORUM

Jeffrey Taylor, President, and Steve Whitman of Jeffrey H. Taylor & Associates, Inc. were present. Mr. Taylor provided a background on the regulatory process. He noted with a new Master Plan in place, the city has a great vision of what the community is to look like in years to come.

Concord 2020 hired Jeff H. Taylor & Associates to facilitate a process where citizens and boards could be given an opportunity to comment on the city's development regulations.

EDAC has been engaged in this process for some time but other boards have not given this much focused attention. Therefore, Mr. Taylor has reached out to other committees such as the Conservation Commission, Planning Board, Zoning Board, Heritage Commission as well as the Local Government Affairs Committee of the Chamber of Commerce and the Housing Commission.

A series of public forums will be held to solicit comments. Mr. Taylor suggested that an annual "all boards" session might be a product of this effort.

Mayor Bouley indicated that the public input piece is very important and having professional help made a lot of sense and was long overdue.

Mr. Taylor noted that public forums would probably begin mid-March to April and then recommendations would be made to City Council after the budget process has ended.

Chairperson Carley mentioned EDAC's sub-committee report and stated EDAC was in the latter stages of its review of same and expected an endorsement by EDAC as a whole.

Mr. Taylor inquired since there were other groups involved, could documentation be shared electronically as drafts are prepared or submitted. Chairperson Carley noted it may make sense to do an executive summary vs. all the individual suggestions. Mr. Taylor noted we want an enriched dialogue so it would help if thoughts were put into it before the forums.

Chairperson Carley thanked Mr. Taylor for attending today's meeting.

III. ELECTRONIC MESSAGE CENTERS

This was an item that came back to EDAC as a referral from City Council based on a request from Carlson Motors for City Council to consider a change to the existing Sign Ordinance that would allow for electronic signs. Under the current zoning, these signs are prohibited.

Chairperson Carley indicated that the existing ordinance was challenged in court and that the city prevailed.

The regulations sub-committee looked at this again. It was noted that electronic message centers (EMCs) demand your attention as you drive by - this could be a safety issue. The number of times the messages change was also discussed; all of that would require enforcement - an issue for the city. If we try to impose these rules, it would put more responsibility on Code Administration.

Chairman Carley framed the discussion in terms of ascertaining what the economic impact of the proposed amendment would be. He noted that the sub-committee felt that if no one has the sign, then there is no comparative advantage for having one. Also with Carlson's, it was the consensus that their hardship was self-created.

The sub-committee summarized that there is no particular reason to change the regulation as it currently does not give anyone in Concord an advantage or disadvantage relative to any other business within the city limits. Accepting the Carlson Motors proposal would create a regulatory challenge for the city.

There was extensive discussion about changing signs; a step up from the traditional letters and numbers; could those be changed 3 - 4 times a day; those signs are not permanently lit; it's the moving signs that could be a safety issue. It was noted that manual signs could be changed but electronic signs are not allowed. There was continued discussion on the description of signs. Byron Champlin noted we need to consider the ability to change signs frequently; likelihood of once a day. The electronic signs could change every few seconds.

Mayor Bouley inquired if the community has the ability to regulate how often the signs change and it was noted "yes". Chairperson Carley noted, however, that the frequency of change may be—in a practical sense—unenforceable.

Allen Bennett noted if it's an enforcement issue, Nicole's Greenhouse, in his ward, served 13 years at their location, operating a business that was non-conforming and he felt that Code did nothing.

Mayor Bouley noted he agreed with 95% of what the sub-committee recommended but in the end, the sub-committee does not recommend changing the ordinance. He continued that the City Council has a huge budget issue and are down to two choices: raise taxes or cut services. He noted that 2020 and Downtown Concord Inc. have been contacted to see what can be done to enhance downtown but part of what he's heard from merchants is they need more foot traffic and there is a meeting coming up dealing with public arts. His comments continued that people go through this community every day. We need them to stop and spend their money here. The gateways to Concord do not say we're alive and vibrant. If we want people to get off the highway and spend money here, enjoy our art, etc. our signs need to say "welcome".

Dan St. Hilaire noted the sub-committee had reviewed electronic gas station pricing and movie theater signs. Gas stations and movie theatres can change their signs but other companies cannot. This is a quandary and how do we say "no" to some and "yes" to others.

In reference to Mayor Bouley's comments above, Chairperson Carley noted the ordinance specifies no electronic signs; where do we draw the line? Electronic signs are an expensive issue. What electronic sign conveys the look of a vibrant city?

Chairperson Carley continued that the specific issue of the economic impact of electronic signs is all the sub-committee was looking at. The sub-committee held two meetings discussing what do these signs do or not do for the economy and not having them at all would not seem to have an impact at all.

Discussion further ensued that these signs are expensive potentially exacerbating a difference between a larger company and a smaller one.

Chairperson Carley noted at this time, the sub-committee does not see the regulatory process being manageable. The Mayor asked EDAC to keep an open mind; the city is hurting and the feedback from the community is that we are not welcoming.

After some further brief discussion, Chairperson Carley noted EDAC is free to reverse the sub-committee's recommendation. The recommendation is as follows:

The economic impact is deminimus by maintaining the current prohibition of EMCs in the sign regulations. The sub-committee does not feel that the present legal constraints present any economic disequilibrium between competitors. The current regulations also do not require the City to incur any additional expenditure in terms of enforcement. As a result, the current regulations are the most fair and equitable approach to the issue of EMCs.

Bill Norton made a motion to accept the sub-committee's recommendation; seconded by Mark Coen. There was some brief discussion following the motion regarding the possibility of law suits. The Chair then asked for a vote on the motion and the decision was 2 "no" votes and 8 "yes" votes; the motion passed.

At this time, Chairperson Carley introduced the newest member to EDAC, City Councilor Michael DelloIacono.

IV. EDAC REGULATIONS SUB-COMMITTEE FINAL REPORT

Chairperson Carley gave a brief history of what EDAC had done to date. He noted there had been many productive discussions.

EDAC began today's review on **page 4 of the report, item 3: Transfer driveway widths to site plan regulations:** Chairperson Carley informed EDAC this item comes out of the Zoning Board. 24' for a new driveway is a full 2 lane road. The Zoning Board has seen regular requests to reduce the size of driveways because the applicant cannot put in a 24' drive. Plans to reduce the size can go before Planning Board and they could look to be sure a smaller drive would work.

Jan McClure inquired if all driveway widths would be subject to site plan review. Bill Norton noted that review by the Zoning Board has typically been granted but people have to spend time and money to come before the Zoning Board of Adjustment.

EDAC reached consensus on this item and will submit this recommendation to transfer driveway widths to site plan regulations.

Item 4: Seek areas in the community that may be candidates for more flexible parking requirements: Chairperson Carley informed EDAC that this item came about as ITE standards are used to create parking lots of empty pavement. Aesthetically there should only be as much pavement as a user would normally need.

The purpose of this change would be to afford flexibility for the Planning Board to judge the need for parking based on an individual application.

(Dan St. Hilaire left the meeting at 8:55 A.M.)

EDAC reached consensus on this item to submit this recommendation as written.

Item 5: Allow “in-law”/immediate family apartments by right in all zones:

Chairperson Carley noted that ZBA has had several applications over the years for in-law apartments. Many residential zones do allow for this because other zones do not make duplexes allowable.

Mark Coen inquired about domestic servants’ quarters; this could be an area over the garage. That can be done as long as there is not a kitchen.

Chairperson Carley noted that zoning had been granting these apartments and making it legal as long as relatives lived there. Code variances go to the properties not to the people using the properties. If in-laws moved out, could the home owner rent out the apartment? Chairperson Carley noted not through the variances they were granted but the court could say otherwise.

Jeff Taylor indicated that this is an issue that the housing commission wants to address. Other communities have limited the space for such apartments so you don’t have a 2,400 sq. ft. house divided in half. Chairperson Carley noted that might be a technical fix to the problem.

Jan McClure noted that by doing this, there will be an increase in road traffic. The increase in people will require an increase in city services if we allow this to happen. Increased density means increased costs.

As the hour was running late, Chairperson Carley asked that this item be tabled until the next EDAC meeting in March.

(Due to the time, item V. was not discussed at today’s meeting)

VI. OTHER BUSINESS

Mayor Bouley informed EDAC that this February everyone’s term on EDAC expires and he wanted to know if all were willing to serve another two year term. If so, he will make the reappointments.

The Mayor noted that ordinarily everything is pretty straightforward. There are goals and objectives to be met but EDAC’s reviews and comments have not been getting to the City Council. So he asked that this function be done.

The challenge over the next two years is the zoning regulations. He explained the tax base projections and noted a \$3.1M hole to fill between revenue and expenses. To keep the city viable, we need places to come and stay. He would like EDAC to consider, as it reviews the goals of the City and the Community Development Department specifically, what can be done to expand the tax base. He is open to all ideas - not just the regulatory side.

We are at a point in the community where we are going to need any help EDAC can offer and it is welcomed.

New e-mail address for Bill Norton: Bill Norton informed staff the best e-mail address to reach him is wbm@nortonnewengland.com. Staff will change the roster accordingly.

VII. ADJOURNMENT

There being no further business and upon a motion duly made and seconded, the meeting adjourned at 9:05 A.M.

Respectfully submitted,

Beverly A. Rafferty
Administrative Assistant